

REMARKS

A. *Examiner has required restriction to one invention as required under 35 U.S.C. § 121 and 372.*

The Examiner has required restriction to one of the following inventions as required under 35 U.S.C. § 121:

I. Claims 1-25, drawn to a fungicide composition comprising a fatty acid, an organic carboxylic acid and a carrier.

II. Claim 26, drawn to a method of controlling fungus with an effective amount of said fungicide composition.

III. Claims 27-32, drawn to a method of treating a crop product to inhibit fungal infection by applying to the crop product the fungicide composition comprising a fatty acid and an organic acid. .

The Examiner has alleged that the inventions do not relate to a single inventive concept and has required applicant to elect a single invention I, II, or III for examination. The Examiner has further alleged that the claims are directed to more than one species of the generic invention which are not linked in a way to form a single inventive concept. As a result, applicant has been required to elect a single disclosed species of carboxylic acid to which the claims will be restricted. Applicant understands that upon allowance of a generic claim, applicant will be entitled to additional species which are written in dependent form or otherwise contain all of the limitations of the allowed generic claims.

Applicant provisionally elects without traverse invention I, which includes claims 1-25 and glycolic acid as the species of carboxylic acid for examination.

B. *Claims pending.*

Claims 26-32 have been withdrawn. Claims 1-25 remain pending. Therefore, it is respectfully submitted that this application is now in condition for allowance.

Should it facilitate allowance of the application, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

By: Edward E. Sowers

Edward E. Sowers

Reg. No. 36,015

Woodard, Emhardt, Moriarty,

McNett & Henry LLP

111 Monument Circle, Suite 3700

Indianapolis, Indiana 46204-5137

(317) 634-3456